



TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

Office of Communications • Mark Dallas Loeffler, Director
1700 N. Congress Ave. • Austin, TX 78701-1495 • 512- 463-5339 • FAX: 512-475-1415

PRESS RELEASE

Patterson calls for changes to Endangered Species Act

Lawyers, not lizards, benefit most from taxpayer-funded litigation

FOR IMMEDIATE RELEASE
June 19, 2012

Contact: Jim Suydam
512-463-2716
512-417-5382
jim.suydam@glo.texas.gov

WASHINGTON — Testifying today before the House Natural Resources Committee, Texas Land Commissioner Jerry Patterson described abuse of the Endangered Species Act by federal authorities who propose adding species to the endangered list based not on sound science, but in response to lawsuits filed by federally funded, radical environmental groups. Taxpayers have paid more than \$15 million to these groups since 2008 to settle such Endangered Species Act lawsuits.

"The only thing endangered in this process is fiscal responsibility and American jobs," Patterson said. "Listing a species, without adequate scientific data, just to settle a lawsuit is outrageous. When a species is added to the endangered list, it usually means threatening entire sectors of our economy and putting American jobs at risk."

A recent example of the impact a potential endangered species listing can cause was seen in West Texas, where more than 80 percent of landowners like ranchers and oil and gas producers were forced to sign conservation easements to protect the dunes sagebrush lizard after it had been nominated as endangered by the U.S. Fish and Wildlife Service. On June 13th, the agency declared the lizard would not be added to the endangered species list.

Patterson said the compromise wasn't one to be celebrated, since it was born out of a taxpayer-funded legal tactic and not population data on the lizard. "Oil and gas operators will be paying fees into a fund to mitigate the impact to habitat of the dunes sagebrush lizard, despite there being no proof it is threatened or endangered," Patterson testified.

Patterson told the committee the real problem was one predicted in 1970, by Nebraska Senator Roman Hruska.

"The U.S. Fish and Wildlife Service is faced with a no-win situation," Patterson said. "They are overwhelmed by environmental groups with hundreds of candidate listings that the agency cannot possibly respond to in the statutory timeline specified. They then

find themselves in violation of that statute and subsequently sued by these same groups that filed to protect the species."

Taxpayer-funded litigation has changed how potentially endangered species are considered for federal protection, Patterson said.

The Fish and Wildlife Service's 2012 budget request includes \$24.6 million for the endangered species listing program, including paying a staff of 141, according to the *New York Times*. That is an 11 percent increase from the previous fiscal year and a 28 percent rise since 2009. The agency estimated that in 2011 it would be able to make final listing decisions on only 4 percent of warranted petitions within one year as required by law, down from 12 percent in 2010.

"These groups create the problem by purposely overwhelming the agency, knowing that they will be unable to respond, and then dictate an outcome because the agency settles," Patterson said. "Taxpayers shouldn't have to foot the bill for this kind of abuse of the system."

In addition to lawyers fees, from 2007 to 2011, the U.S. Fish and Wildlife Service gave \$680,492 in tax money to the Wild Earth Guardians, according to congressional testimony. During that same time, the Wild Earth Guardians sued U.S. Fish and Wildlife 76 times, including the lawsuit that triggered the proposal to list the dunes sagebrush lizard.

"Right now, the Endangered Species Act helps out the lawyers more than the lizards," Patterson said.

Patterson's testimony may be seen here: <http://naturalresources.house.gov/Live/> .

###